

## REMARKS

This amendment is offered in response to the Office Action of January 28, 2010.

Claims 7 and 9 have been amended pursuant to the objections of numbered paragraph 1 of the Office Action. It is noted that Claim 7 has been amended slightly differently from the manner suggested by the Office Action, tracking the language of page 3, line 10 of the specification.

Additionally, the fourth paragraph of page 3 of the specification has been amended to be consistent with Figures 2-5 and the corresponding description on the first four paragraphs of page 5. That is, the external pressure is applied to the zipper profile end portions when the probe is in its first (i.e., withdrawn) position. See page 5, lines 7-9 and 17-23. Additionally, the word “portion” has been added to be consistent with other language of this paragraph and with Claim 7. A minor grammatical correction has been made to page 5. It is respectfully submitted that no new matter has been added.

The Office Action rejected Claims 1-6 under 35 U.S.C. §112, second paragraph. The Applicant has amended Claims 2 and 3 to clarify that the language of Claims 2 and 3 pertains “during the step of applying external pressure”. Similarly, Claim 1 has been amended to clarify that the step of applying external pressure is “after the step of withdrawing the probe”. It is therefore respectfully submitted that the rejection under 35 U.S.C. §112, second paragraph, has been overcome.

The Office Action rejected Claims 1-3, 7 and 9 under 35 U.S.C. §102(b) as being anticipated by the Herrington reference (U.S. Patent No. 5,088,971). In the Herrington reference, “the hot knife 45 is plunged into the profiles, the heat from the knife causes the profile material to become molten so that it will be forced into the pockets ... in the clamps 40 and 41

by the inclined faces of the knife blade. ... After the end stops 30 have been formed on the zipper 11 the hot knife 45 is retracted upwardly in the direction of the arrow d and the clamps 40 and 41 are moved out of engagement with the zipper as indicated by the arrows b-b” (col. 4, lines 47-59). This is quite different from the presently pending claims in that newly-amended Claim 1 recites “after the step of withdrawing the probe, applying external pressure to the end portion of the zipper”. Similarly, newly-amended Claim 7 recites “means for applying external pressure to the zipper profile end portions when the probe is in its first position”.

It is therefore respectfully submitted that this rejection has been overcome.

The Office Action rejected Claims 7-9 under 35 U.S.C. §102(b) as anticipated by the Johnson reference (U.S. Patent 3,388,021).

The Johnson reference appears to disclose the sealing of edges of opposing panels of a package and does not disclose the structure of newly-amended Claim 7 which recites “means for applying external pressure to the zipper profile end portions when the probe is in its first (i.e. withdrawn) position”. It is respectfully submitted that the amendment of this quoted language to recite the first position rather than the second position obviates the reasoning of the second full paragraph of numbered page 6 of the Office Action.

It is therefore respectfully submitted that this rejection is overcome.

The Office Action rejected Claims 1-4 and 6-10 under 35 U.S.C. §103(a) over the alleged admitted prior art and the Johnson reference. Similarly, the Office Action rejected Claim 5 over the alleged admitted prior art and the John reference, and further in view of the Mojonnier reference (U.S. Patent No. 3,600,248). It is respectfully submitted that neither the cited portions of the specification of the instant application, the Mojonnier reference or the Johnson reference disclose or suggest the language of Claim 1 -- “after the step of withdrawing the probe, applying

external pressure to the end portion of the zipper” -- or the language of Claim 7 -- “means for applying external pressure to the zipper profile end portions when the probe is in its first position”. Similarly, neither the cited portions of the specification of the instant application or the Johnson reference disclose or suggest the language of newly-amended Claims 1 and 7 regarding the movement of the probe “in a direction substantially longitudinally of the zipper profiles”.

It is therefore respectfully submitted that these rejection is overcome.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", with a stylized flourish at the end.

Ronald E. Brown  
Registration No. 32,200

Day Pitney LLP  
7 Times Square  
New York, New York 10036-7311  
(212) 297-5800